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OFFICE OF PETITIONS

In re reissue Application of :
Oshima, et al. :
Reissue Application No. 09/667,525 : DECISION ON PETITION
Filed: September 21, 2000 :
Attorney Docket No. 8400 :

This is a decision on the "PETITION UNDER 37 CFR 1.183 TO ACCEPT SUBSTITUTE SPECIFICATION IN A REISSUE APPLICATION", filed June 23, 2004.

The petition under 37 CFR 1.183 is GRANTED.

Applicants have filed the instant petition, requesting that "the PTO accept entry of the substitute specification filed August 1, 2003 in connection with the present application."

37 CFR 1.125(d) states that a "substitute specification under this section is not permitted in a reissue application or in a reexamination proceeding."

In order for a petition under 37 CFR 1.183 to be granted, petitioner must demonstrate that this is an extraordinary situation where justice requires waiver of the rules.

A review of the application file reveals that the Examiner, in paragraph 2 of the February 4, 2004 Office action, has already entered the August 1, 2003 substitute specification.

Accordingly, in light of the Examiner's decision to enter the substitute specification (due to the length of the specification and the number of amendments), it is proper to grant the instant petition under 37 CFR 1.183.

The application file is being forwarded to Group Art Unit 2634 for consideration of the amendment filed June 23, 2004.

Telephone inquiries concerning this decision should be directed to Petitions Attorney Cliff Congo at (703) 305-0272.

Patricia Pearson Ball
for

Charles Pearson
Director
Office of Petitions